

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH POUSHA 1928

LA.App..No. 1140 of 2005()

LAR.499/1994 of SUB COURT, MAVELIKKARA

APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU
ADDL.ADVOCATE GENERAL

RESPONDENT: CLAIMANT

NANI KARTHYAYANI, PRETHU KIZHAKKATHIL,
ALAPPUZHA MURI, HARIPAD.

BY ADV. SRI.MATHEW JAMES

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.T. SANKARAN, J.

L.A.A.NO. 1140 OF 2005

Dated this the 16th day of January, 2007

JUDGMENT

This Land Acquisition Appeal arises out of L.A.R.No.499 of 1994, on the file of the Sub Court, Mavelikara. An extent of 0.57 Ares of dry land in Sy.No.361/27 of Haripad village was acquired for the purpose of widening and strengthening of Haripad - Viyapuram road. Notification under Section 4(1) was published on 7.2.1991. The land was taken possession of on 29.6.1992. As per award dated 31.12.1992, compensation was granted fixing the land value at Rs.9,606/- per Are. The respondent contended that she is entitled to get compensation taking into account the land value at Rs.20,000/- per cent.

2. The Reference Court relied on Ext.A1 judgment in L.A.R.No.353 of 1993. In that case, notification under Section 4(1) was issued on 6.11.1991. The property acquired therein is in Haripad village. The Land Acquisition Officer had valued the land at the

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rate of Rs.9,606/- per Are in that case as well. The Reference Court as per Ext.A1 judgment, enhanced the land value and fixed the land value at Rs.31,122/- per Are. It is stated by AW1 that the land covered by Ext.A1 is situated only 50 metres away from the northern side of the land which is acquired in the present case. Ext.A1 would show that the acquired land is 100 metres away from Kacheri Junction, Haripad. The Reference Court in the present case, relying on the land value awarded in Ext.A1, enhanced the land value to Rs.31,122/- per Are. It was noticed by the Reference Court that there is no case for the State that Ext.A1 judgment had not become final.

3. Information is gathered from the Registry that as against Ext.A1 judgment in L.A.R.No.353 of 1993, State had filed L.A.A.No.1555 of 2000 and that Appeal was dismissed by a Division Bench as per judgment dated 25.5.2005. The Division Bench of this Court found that the land value awarded by the Reference Court in L.A.R.No.353 of 1993 (Ext.A1) was legal and proper.

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In view of the judgment in L.A.A.No.1555 of 2000,
this Land Acquisition Appeal is liable to be dismissed.
Accordingly, the Land Acquisition Appeal is dismissed.

(K. T. SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

L.A.A.NO. 1140 OF 2005

JUDGMENT

16th January, 2007
